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MICHAEL W. DOBBINS
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Jury TRIAL DEMAND

Plaintiff(s)

JAMES MARTIN

v.

08CV3712

JUDGE MAROVICH

MAGISTRATE JUDGE ASHMAN

Defendant(s)

BENJIE RADFORD IN HIS
INDIVIDUAL AND OFFICIAL CAPACITY
AS ILLINOIS DEPT. OF CORRECTIONS
PAROLE OFF.

N. ROBINSON IN HER INDIVIDUAL
AND OFFICIAL CAPACITY AS ILLINOIS
DEPT OF CORRECTIONS SUPERVISOR
PAROLE AGENT

ELROY REED IN HIS INDIVIDUAL
CAPACITY AND OFFICIAL CAPACITY AS
EXECUTIVE DIRECTOR, THE SOARING EAGLE
COMMUNITY DEVELOPMENT CORP.

~~CONSTITUTIONAL~~ VIOLATION
COM PLAIN T

PARTIES

PLAINTIFF

JAMES MARTIN
524 ELDER LN
GLENVIEW, IL,
60025

DEFENDANT

- ① BENNIE RADFORD IS SENIOR PAROLE AGENT I.D.O.C., RADFORD IS RESPONSIBLE FOR SUPERVISING AND CLOSE MONITORING OF PAROLEES
- ② N. ROBINSON IS SUPERVISOR, SENIOR PAROLE AGENT I.D.O.C. ROBINSON IS RESPONSIBLE FOR SUPERVISING FIELD PAROLE OFC.
- ③ ELROY REED IS CREATOR, DIRECTOR OF SOARING EAGLE COMMUNITY DEVELOPMENT CORP., REED RESPONSIBLE FOR MANAGING BUILDING (LANDLORD)

FACTUAL ALLEGATIONS

DEFENDANTS BENNIE RADFORD AND N. ROBINSON VIOLATED PLAINTIFFS FIRST, FOURTH, EIGHT AND FOURTEENTH AMENDMENT RIGHTS

DEFENDANT ELROY REED VIOLATED PLAINTIFFS FOURTEENTH AMENDMENT RIGHT.

PLAINTIFF WAS RELEASED FROM TAYLORVILLE CORRECTIONAL CENTER ON MAY 3, 2006 AND WAS PLACED ON TWO YEARS MANDATORY SUPERVISED RELEASE. AS SUCH WAS REQUIRED TO ABIDE BY ALL M.S.R. CONDITIONS FOR SEX OFFENDERS. THESE CONDITIONS INCLUDED, FIND^WA HOME WHICH MET LOCATION REQUIREMENTS, ELECTRONIC DETENTION WERE ALL MOVEMENTS OUTSIDE OF HOME ARE MONITORED AND MUST BE APPROVED BY PAROLE OFFICER.

PLAINTIFF MET DEFENDANT RADFORD ON MAY 4, 2006 TO DISCUSS IN DETAIL M.S.R. CONDITIONS AND LIVING ARRANGEMENTS. PLAINTIFF INFORMED DEFENDANT RADFORD THAT HE HAD A LEASE AND PAID 450⁰⁰ MONTHLY RENT, THAT DEFENDANT REED WAS LANDLORD AND DID NOT LIVE AT ADDRESS

PLAINTIFF WAS RESIDING IN WAUKEGAN, ILLINOIS

ON JULY 1, 2006 WHILE PLAINTIFF WAS ENROUTE TO WORK, DEFENDANT RADFORD STOPPED PLAINTIFF AND PLACED HIM IN CUSTODY, PLAINTIFF WAS TRANSPORTED TO PAROLE OFFICE FOR CONFERENCE WITH DEFENDANT ROBINSON, SUPERVISOR ROBINSON INFORMED PLAINTIFF THAT DEFENDANT RADFORD HAD RECEIVED TELEPHONE CALL FROM DEFENDANT REED INFORMING PAROLE OFC. RADFORD THAT HE WANTED PLAINTIFF OUT OF BUILDING THAT DAY SUPERVISOR ROBINSON TELEPHONED ELOY REED WHO REITERATED HE DID NOT WANT PLAINTIFF TO RETURN TO HIS BUILDING.

PLAINTIFF INFORMED SUPERVISOR ROBINSON THAT THIS WAS A LANDLORD - TENANT ISSUE THAT SHOULD BE RESOLVED THE PROPER WAY, THAT IT WAS NOT A PAROLE ISSUE, NOT A VIOLATION OF PAROLE CONDITIONS AND THAT DEFENDANT REED DID NOT HAVE OPTION OF WHETHER OR WHETHER NOT PLAINTIFF COULD RETURN HOME, PLAINTIFF INFORMED SUPERVISOR ROBINSON THAT HE HAD A LEASE, A SAFEGUARD AGAINST CAPRICIOUS AND ARBITRARY ACTION. (DEFENDANT RADFORD CONFIRMED PLAINTIFF HAD A LEASE AND PAID RENT.)

A WARRANT WAS ISSUED, PLAINTIFF WAS TRANSPORTED TO STATEVILLE CORRECTIONAL CENTER

PLAINTIFF WAS NOT ALLOWED TO RETURN HOME AND SECURE PERSONAL PROPERTY, IE, MONEY JEWELRY, ELECTRONICS, CLOTHING, PERSONAL PAPERS. TRIAL TRANSCRIPTS, WITNESS AFFIDAVITS AND OTHER IMPORTANT LEGAL DOCUMENTS,

PLAINTIFF WAS ILLEGALLY HELD IN PRISON FOR APPROX. ONE YEAR AND NEVER RECOVERED POSSESSIONS.

NATURE OF COMPLAINT

TO OBTAIN WARRANT DEFENDANT PAROLE OFC, RADFORD PREPARED ILLEGAL, BASELESS PAROLE VIOLATION REPORT ALLEGING PLAINTIFF VIOLATED CONDITIONS OF M.S.R. BY NOT MAINTAINING HOMESITE AND NOT ATTENDING SEX OFFENDER COUNSELING. IN FACT PLAINTIFF HAD HOMESITE AND WAS ILLEGALLY REMOVED BY DEFENDANT RADFORD. ALSO IT WAS DEFENDANT RADFORD'S DECISION NOT TO SCHEDULE PLAINTIFF FOR SEX OFFENDER COUNSELING UNTIL PLAINTIFF BECAME EMPLOYED (PLAINTIFF EMPLOYED 6-28-2006) DUE TO THE COST OF COUNSELING.

DEFENDANT SUPERVISOR PAROLE OFC N. ROBINSON APPROVED ILLEGAL, BASELESS PAROLE VIOLATION REPORT, ALSO WOULD NOT ALLOW PLAINTIFF AN OPPORTUNITY TO RETURN HOME AND SECURE PERSONAL

PROPERTY

DEFENDANT ELROY REED CONSPIRED WITH DEFENDANT RADFORD AND ROBINSON TO ILLEGALLY REMOVE PLAINTIFF FROM HIS HOME

CAUSE OF ACTION

PLAINTIFF SUPPORT THE FOLLOWING CLAIMS BY REFERENCE TO THE PREVIOUS PARAGRAPHS OF THIS COMPLAINT

COUNT I

by PREPARING ILLEGAL, BASELESS PAROLE VIOLATION REPORT TO OBTAIN A WARRANT, DEFENDANT RADFORD DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER THE PROBABLE CAUSE CLAUSE OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

COUNT II

by CONSPIRING WITH DEFENDANT ELROY REED TO ILLEGALLY REMOVE PLAINTIFF FROM HIS HOME DEFENDANT RADFORD DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER THE DUE PROCESS AND EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION,

COUNT III

by PREPARING ILLEGAL, BASELESS PAROLE VIOLATION REPORT TO OBTAIN A WARRANT WHICH PLACED PLAINTIFF IN JAIL FOR APPROXIMATELY ONE YEAR, DEFENDANT RADFORD DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER CRUEL AND UNUSUAL PUNISHMENTS CLAUSE OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

COUNT IV

by APPROVING ILLEGAL, BASELESS PAROLE VIOLATION REPORT TO OBTAIN A WARRANT, DEFENDANT N. ROBINSON DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER THE PROBABLE CAUSE CLAUSE OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION

COUNT V

by CONSPIRING WITH DEFENDANT ELROY REED AND B. RADFORD TO ILLEGALLY REMOVE PLAINTIFF FROM HIS HOME DEFENDANT ROBINSON DEPRIVE PLAINTIFF OF HIS RIGHTS UNDER THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

COUNT VII

by APPROVING ILLEGAL, BASELESS PAROLE VIOLATION REPORT WHICH PLACED PLAINTIFF IN JAIL FOR APPROXIMATELY ONE YEAR, DEFENDANT ROBINSON DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER CRUEL AND UNUSUAL PUNISHMENTS CLAUSE OF THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

COUNT VIII

by NOT ALLOWING PLAINTIFF TO RETURN HOME AND SECURE TRIAL TRANSCRIPTS, WITNESS AFFIDAVITS AND OTHER IMPORTANT LEGAL DOCUMENT THAT WERE LOST. PLAINTIFF WAS UNABLE TO PROCEED WITH HIS PURSUIT OF LITIGATION TO ILLINOIS SUPREME COURT (CASE[#] 98 CR 31062) AND DENIED HIS RIGHT ~~TO~~ OF ACCESS TO THE COURTS

COUNT VIII

by CONSPIRING WITH DEFENDANTS B. RADFORD AND N. ROBINSON TO ILLEGALLY REMOVE PLAINTIFF FROM HIS HOME DEFENDANT ELROY REED DEPRIVED PLAINTIFF OF HIS RIGHTS UNDER DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS
THAT THIS COURT,

DECLARE THAT THE ACTS DESCRIBED HEREIN
VIOLATED PLAINTIFFS RIGHTS UNDER THE CON-
STITUTION AND LAWS OF THE UNITED STATES

ENTER JUDGEMENT IN FAVOR OF PLAINTIFF FOR
LOST WAGES, LIQUIDATED/DAMAGES (double) FRONT PAY
COMPENSATORY DAMAGES, PUNITIVE DAMAGES, PRE-
JUDGMENT INTEREST, POST JUDGEMENT INTEREST AND
COSTS, INCLUDING REASONABLE ATTORNEY'S FEES
AND EXPERT WITNESS FEE. AS ALLOWED BY
LAW, AGAINST EACH DEFENDANT, JOINTLY AND SEVERALLY
GRANT SUCH OTHER RELIEF AS THE COURT MAY FIND
APPROPRIATE.

RESPECTFULLY SUBMITTED
JUNE 30, 2008

James Martin
JAMES MARTIN
524 ELDER
GLENVIEW, IL
60025